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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 3171/2012 and I.A. 19592/2012

MANISH GUPTA

..... Plaintiff

Through: Mr. Fanish K. Jain, Advocate with
plaintiff in person.

versus

SHANTI SWARUP UPADHYAY & ANR

..... Defendants

Through: Defendants in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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26.02.2015

1. On the last date of hearing, defendant No.1 was present. However, his wife, defendant No.2 was absent. As a result, the matter had to be adjourned.
2. Today, all the parties are present. Counsel for the plaintiff and the defendants No.1 and 2 (who are identified by the plaintiff) state that they have arrived at a settlement through the Delhi High Court Mediation and Conciliation Centre, which was reduced into writing by virtue of a Settlement Agreement dated 04.02.2015, wherein the defendants have agreed to pay a sum of ₹3 lacs to the plaintiff in full and final settlement of all his claims in the present suit.
3. The defendants hand over a cheque No.311014 dated

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18.03.2015 for a sum of ₹3 lacs drawn on Andhra Bank, Mayur Vihar, Phase-1, New Delhi in favour of the plaintiff, which is stated to have been issued from the account of the defendant No.1. The said cheque is duly accepted by the plaintiff through counsel. The defendants undertake that the said cheque when presented, shall be duly honoured.

3. Counsel for the plaintiff states that having received the aforesaid cheque and subject to its encashment, the plaintiff does not wish to press the present suit any further. He further states that as the parties have arrived at the settlement through the court annexed mediation and a settlement has been arrived at prior to the evidence being recorded in the suit, the plaintiff is entitled to claim refund of the court fees in terms of Section 16 of the Court Fees Act.

4. In view of the aforesaid submission made by the counsel for the plaintiff, the suit is disposed of alongwith the pending application. The Registry is directed to issue a certificate in favour of the plaintiff for refund of the court fees, under Section 16 of the Court Fees Act, as per law.



HIMA KOHLI, J

FEBRUARY 26, 2015
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